

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TYLER VALDEZ,

Plaintiff,

-v-

8:22-CV-889

NEW YORK STATE DIVISION
OF CRIMINAL JUSTICE
SYSTEM and ROSSANA ROSADO,
Commissioner,

Defendants.

APPEARANCES:

OF COUNSEL:

TYLER VALDEZ
Plaintiff, Pro Se
46 Parker Avenue
Massena, NY 13662

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On August 26, 2022, *pro se* plaintiff Tyler Valdez (“plaintiff”) filed this civil action alleging misconduct related to certain criminal actions that have been commenced against him. Dkt. No. 1. Along with his complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On October 6, 2022, U.S. Magistrate Judge Daniel J. Stewart granted plaintiff's IFP Application. Dkt. No. 5. Judge Stewart further advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed with prejudice as to any claims against defendant New York State Division of Criminal Justice System but without prejudice as to any claims against defendant Rossana Rosado. Dkt. No. 6.

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 6. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

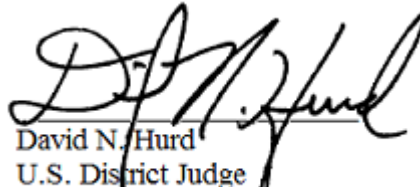
ORDERED that

1. The Report & Recommendation is ACCEPTED; and
2. Plaintiff's complaint is DISMISSED with prejudice as to defendant New York State Division of Criminal Justice System;
3. Plaintiff's complaint is DISMISSED without prejudice as to defendant Rossana Rosado;
4. Plaintiff may, but is not obligated to, amend his pleading in accordance with the instructions set forth in Judge Stewart's R&R;
5. Plaintiff shall have thirty (30) days in which to amend;
6. If plaintiff files an amended complaint, the matter will be returned to Judge Stewart for further review;

7. If plaintiff does not file an amended complaint, the Clerk of the Court is directed to close the file without further order of the Court.

IT IS SO ORDERED.

Dated: October 25, 2022
Utica, New York.



David N. Hurd
U.S. District Judge